

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 10CF716

SARAH K. BECKER
3303 Hecker Road
Manitowoc WI 54220
D.O.B: 10/26/73

Defendant.

CRIMINAL COMPLAINT

I, RICHARD A. BASILIERE, BEING DULY SWORN, UPON INFORMATION AND BELIEF, STATE THAT:

On or between July 26, 2008, and May 13, 2010, in the city of Sheboygan, Sheboygan County, Wisconsin, defendant Sarah K. Becker, did, as a Registered Nurse providing services through the Medicaid based Nurses in Independent Practice program, knowingly and willfully made or caused to be made false statements or representations of a material fact in applications for payment, to wit: submitted false statements in support of claims for payment for medical care services allegedly provided to Sarah Wright and Madison Wright totaling \$15,527.75, for which she was paid by the Wisconsin Medicaid Program, contrary to Wis. Stat. § 49.49(1)(a)1., a Class H felony, and upon conviction may be fined not more than twenty-five thousand dollars (\$25,000) or imprisoned not to exceed six (6) years, or both.

PROBABLE CAUSE AS FOLLOWS

Complainant is an Auditor Senior with the State of Wisconsin Department of Justice, Medicaid Fraud Control and Elder Abuse Unit (MFCEAU). Your complainant has investigated numerous violations of the Wisconsin Medicaid Program's regulations and laws and has been a trained investigator/auditor within the MFCEAU for over five years.

Your complainant was assigned to review claims for payment submitted to the Wisconsin Medicaid Program by registered nurse Sarah K. Becker. Pursuant to this audit and investigation, your complainant has personally been in contact with, interviewed, and/or has communicated with various adult citizen witnesses as described later herein whom he believes to be truthful and reliable.

Your complainant spoke with and reviewed written documentation provided to complainant by Tammy Damon, the Quality Internal Consultant for Electronic Data Systems (now known as HP Enterprise Services). EDS is the financial intermediary that receives, processes and reimburses health care providers that utilize the State of Wisconsin's Medicaid Program for the delivery and reimbursement of services. The written documentation provided included provider application information, forms, and billing/payment records involving defendant Sarah K. Becker and Medicaid payments Becker received for providing services to Sarah Wright and Madison Wright. Said records were maintained in the normal course of business.

Based on your complainant's review of the provider application materials supplied by EDS and Damon, your complainant knows that Sarah K. Becker, DOB: 10/26/1973, is a Registered Nurse, RN license # 143081-30, and is certified as an independent nurse to deliver services under the Medicaid based "Nurses in Independent Practice" program. Becker was approved to be a Medicaid provider on August 16, 2005, and still holds a valid certification for

delivering services under the Nurses in Independent Practice program. Since Becker delivers services within the homes of the recipients, EDS considers her home address of 1813 Settlement Trail, Sheboygan, Wisconsin 53081, as her business address and sends her Medicaid service provider reimbursement checks to that address.

Provider application materials shown to your complainant by EDS and Damon also indicate that defendant Becker submitted "trading partner agreements" in which Becker agreed to electronically transmit through authorized third-party billing agent Badgerland Billing, LLC or authorized third-party billing agent By-State Medical Billing Specialists, Inc., claims to Wisconsin Medicaid for payment for services she provided to patients.

Your complainant also reviewed billing/payment records supplied by EDS and Damon to your complainant, maintained in the normal course of business, pertaining to care services allegedly provided by defendant Becker to Medicaid recipients Sarah Wright and Madison Wright. Defendant Becker had submitted to EDS, or had caused to be submitted to EDS, billing information requesting payment for nursing services provided to Sarah Wright and Madison Wright through Medicaid's Nurses in Independent Practice program by using Badgerland Billing or By-State Billing for the below-listed dates and was paid the below-listed amounts with checks sent by EDS to defendant Becker's home address.

Your complainant also spoke with and reviewed business records provided to your complainant by Jennifer Vogel, Director of Human Resources for Aurora Healthcare, and a citizen witness your complainant believes to be truthful and reliable. Vogel confirmed that defendant Sarah Becker was a full-time employee of Aurora Healthcare serving as a nurse at the Aurora Sheboygan Memorial Medical Center Hospital located in Sheboygan, Wisconsin. Vogel reviewed with your complainant employment/payroll records maintained by Aurora Healthcare concerning defendant Sarah Becker. The records reflected the days and hours Becker worked for

Aurora Healthcare between July 1, 2008 and October 15, 2010 Vogel stated the payroll information supplied to me indicated the actual time Sarah Becker reported in to work and the actual time Becker reported out.

Your complainant has personal knowledge the Aurora Sheboygan Memorial Medical Center Hospital is located at 2629 North 7th Street, Sheboygan, Wisconsin, and that Sarah and Madison Wright reside at 1213 North Water Street, Manitowoc, Wisconsin. Your complainant also performed an internet search concerning the driving distance and time between these two locations using "MapQuest" "AAA" and "Google Maps" websites and learned the approximate driving time is thirty-five (35) minutes.

Based on your complainant's review of the Medicaid records and the payroll information supplied by Aurora Healthcare, your complainant found the services associated with the following claims could not have taken place as defendant Becker was physically present at Aurora Sheboygan Memorial Medical Center Hospital during some of the times she claimed to be delivering services to Medicaid recipients Sarah Wright and Madison Wright.

The following chart indicates the dates which defendant Sarah Becker's hours worked at her Aurora Sheboygan Memorial Medical Center Hospital nursing job directly conflicted with the hours she billed Medicaid purportedly providing care to Sarah and Madison Wright. The chart also contains the following: dates and hours Becker was working at the hospital; medical billing code which indicates a range for the time Becker started delivering private duty nursing services to the Wrights; the hours that she billed to Medicaid for delivering private duty nursing services to the Wrights; and the total hours in conflict, which include the amount of time between the hours Becker was at the hospital, the hours she billed for private duty nursing, and the amount of time Becker would have spent traveling between the hospital and the recipient's home, estimated at thirty-five (35) minutes. The following chart also indicates times of the day most favorable to Becker. If


Becker did deliver private duty nursing services on the following dates, because we do not know the exact time in which Becker started delivering, I determined the most favorable times (the least amount of conflict) Becker would have had to work or probably worked given the amount of hours she billed.

DATE	HOSPITAL HOURS	PDN HOURS	HOURS BILLED	MOST FAVORABLE	TOTAL	O/P	PAID
7/26/2008	2:46am- 3:26pm	UF- 6am- 12pm	12	12pm-12am	4 HRS 1MIN	\$131.35	\$392.28
7/27/2008	2:51am - 3:32pm	UF-6am- 12pm	12	12pm-12am	4 HRS 7 MINS	\$134.62	\$392.28
9/9/2008	2:46am - 3:15pm	UF-6am- 12pm	12	12pm-12am	3 HRS 50 MINS	\$125.35	\$392.28
10/7/2008	2:50am - 4:35pm	UF-6am- 12pm	12	12pm-12am	4 HRS 10 MINS	\$136.25	\$392.28
10/18/2008	2:39am - 3:24pm	UF-6am- 12pm	12	12pm-12am	3 HRS 59 MINS	\$130.26	\$392.28
10/24/2008	2:41am - 1:40pm	UF- 6am- 12pm	12	12pm-12am	2 HRS 15 MINS	\$73.58	\$392.28
10/30/2008	2:41am - 7:24am	UJ-12am- 6am	4	12am-4am	1 HR 54 MINS	\$62.13	\$130.76
11/4/2008	2:39am - 4:25pm	UJ-12am- 6am	8	12am-8am	5 HRS 21 MINS	\$174.95	\$261.52
11/12/2008	2:39am - 3:26pm	UF- 6am- 12pm	8	12pm-8pm	4 HRS 1 MIN	\$131.35	\$261.52
11/13/2008	2:42am - 7:13am	UJ-12am- 6am	12	12am-12pm	5 hrs 6 MINS	\$166.77	\$392.28
12/24/2008	2:49am - 7:11am	UJ-12am- 6am	4	12am-4am	1 HR 46 MINS	\$57.77	\$130.76
1/8/2009	2:45am - 4:12pm	UF-6am- 12pm	8	12pm-8pm	4 HRS 47 MINS	\$156.42	\$261.52
1/17/2009	2:40am - 3:31pm	UF-6am- 12pm	12	12pm-12am	4 HRS 6 MINS	\$134.07	\$392.28
1/18/2009	2:39am - 3:44pm	UF-6am- 12pm	12	12pm-12am	4 HRS 19 MINS	\$141.16	\$392.28
2/12/2009	2:42am - 3:20pm	UJ-12am- 6am	4	12am-4am	1 HR 53 MINS	\$61.59	\$130.76
2/15/2009	6:45am - 3:00pm	UJ-12am- 6am	12	12am-12pm	5 HRS 50 MINS	\$190.75	\$392.28
3/12/2009	2:39am - 3:54pm	UJ-12am- 6am	4	12am-4am	1 HR 56 MINS	\$63.22	\$130.76
3/15/2009	2:41am - 3:28pm	UJ-12am- 6am	12	12am-12pm	9 HRS 54 MINS	\$323.73	\$392.28
3/16/2009	2:41am - 7:39am	UJ-12am- 6am	8	6am-2pm	2 HRS 14 MINS	\$73.03	\$261.52
5/2/2009	2:45am - 3:24pm	UF-6am- 12pm	12	12pm-12am	3 HRS 59 MINS	\$130.26	\$392.28
5/3/2009	2:45am - 3:12pm	UF-6am- 12pm	12	12pm-12am	3 HRS 47 MINS	\$123.72	\$392.28
5/13/2009	5:47pm - 7:16pm	UG-2pm- 6pm	8	12pm-8pm	2 HRS 4 MINS	\$67.58	\$261.52

DATE	HOSPITAL HOURS	PDN HOURS	HOURS BILLED	MOST FAVORABLE	TOTAL	O/P	PAID
5/15/2009	6:40am - 3:16pm	UF- 6am- 12pm	12	12pm - 12am	3 HRS 51 MINS	\$125.90	\$392.28
5/21/2009	2:40am - 3:23pm	UJ-12am- 6am	8	12am-8am	5 HRS 55 MINS	\$193.48	\$261.52
6/5/2009	2:40am - 1:56pm	UJ-12am- 6am	8	12am-8am	5 HRS 20 MINS	\$174.40	\$261.52
6/11/2009	2:49am - 3:28pm	UJ-12am- 6am	4	12am-4am	1 HR 44 MINS	\$56.68	\$261.52
6/17/2009	2:49am - 3:38pm	UJ-12am- 6am	8	12am-8am	5 HRS 57 MINS	\$194.57	\$261.52
6/19/2009	2:44am - 3:22pm	UJ-12am- 6am	8	12am-8am	5 HRS 51 MINS	\$191.30	\$261.52
7/15/2009	2:45am - 3:25pm	UG- 12pm- 6pm	12	12pm-12am	4 HRS	\$130.80	\$392.28
8/8/2009	2:39am - 4:08pm	UG- 12pm- 6pm	12	12pm-12am	4 HRS 43 MINS	\$154.24	\$392.28
8/13/2009	2:39am - 3:23pm	UJ-12am- 6am	12	6am-6pm	9 HRS 57 MINS	\$325.37	\$392.28
8/19/2009	2:45am - 3:44pm	UG- 12pm- 6pm	12	12pm-12am	4 HRS 19 MINS	\$141.16	\$392.28
8/20/2009	2:42am - 7:50am	UJ-12am- 6am	4	6am-10pm	2 HRS 45 MINS	\$89.93	\$130.76
8/23/2009	2:48am - 4:54pm	UF-6am- 12pm	12	12pm-12am	5 HRS 29 MINS	\$179.31	\$392.28
8/24/2009	3:30pm - 6:00pm	UF-6am- 12pm	12	12pm-12am	3 HRS 5 MINS	\$100.83	\$392.28
9/4/2009	2:47am - 12:19pm	UJ-12am- 6am	12	6am-6pm	6 HRS 54 MINS	\$225.63	\$392.28
9/12/2009	2:47am - 3:31pm	UF-6am- 12pm	12	12pm-12am	4 HRS 6 MINS	\$134.07	\$392.28
9/13/2009	2:47am - 3:30pm	UJ-12am- 6am	12	6am-6pm	4 HRS 5 MINS	\$133.53	\$392.28
9/15/2009	2:45am - 3:57pm	UF-6am- 12pm	4	12pm-4pm	4 HRS 32 MINS	\$130.76	\$130.76
9/21/2009	2:49am - 6:45pm	UG- 12pm- 6pm	3	6pm-9pm	1 HR 13 MINS	\$39.79	\$98.07
9/24/2009	2:49am - 3:28pm	UF-6am- 12pm	12	12pm-12am	4 HRS 3 MINS	\$132.44	\$392.28
10/2/2009	2:51am - 12pm	UJ-12am- 6am	12	6am-6pm	6 HRS 35 MINS	\$215.28	\$392.28
10/22/2009	2:53am - 3:50pm	UG- 12pm- 6pm	8	4pm - 12am	1 HR	\$32.69	\$261.52
11/2/2009	3:30pm - 6:30pm	UG- 12pm- 6pm	4	6pm-10pm	1 HR 5 MIN	\$35.43	\$130.76
11/16/2009	2:45am - 6:30pm	UG- 12pm- 6pm	4	6pm-10pm	1 HR	\$32.69	\$130.76

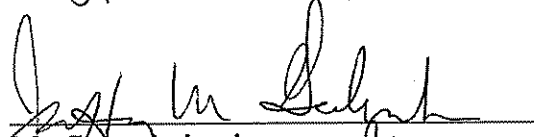
DATE	HOSPITAL HOURS	PDN HOURS	HOURS BILLED	MOST FAVORABLE	TOTAL	O/P	PAID
12/1/2009	6:43am- 7:14pm	UG- 12pm- 6pm	4	6pm-10pm	1 HR 49 MINS	\$59.41	\$130.76
12/7/2009	2:51am- 7:00pm	UG- 12pm- 6pm	4	6pm-10pm	1 HR 35 MINS	\$51.78	\$130.76
12/28/2009	3:30pm- 6:00pm	UG- 12pm- 6pm	12	12pm-12am	3 HRS 5 MINS	\$100.83	\$392.28
12/31/2009	2:51am - 4:03pm	UF-6am- 12pm	12	12pm-12am	4 HRS 38 MINS	\$151.51	\$392.28
2/1/2010	3:30pm - 7:00pm	UG- 12pm- 6pm	4	6pm - 10pm	1 HR 35 MINS	\$51.78	\$130.76
2/10/2010	2:53am- 3:27pm	UF-6am- 12pm	12	12pm - 12 am	4 HRS 2 MINS	\$130.76	\$130.76
3/4/2010	2:50am - 3:44pm	UJ-12am- 6am	8	12am-8am	5 HRS 45 MINS	\$192.93	\$261.52
5/13/2010	2:51am 6:40pm	UG- 12pm- 6pm	4	6pm-10pm	1 HR 15 MINS	\$40.88	\$130.76
						\$6740.07	\$15527.75

Dated this 21st day of December, 2010.




 RICHARD A. BASILIERE
 Auditor Senior
 Medicaid Fraud Control and Elder Abuse Unit
 Wisconsin Department of Justice

Subscribed and sworn to before me
this 21st day of December, 2010.


My Commission is permanent.

APPROVED FOR FILING:


JEFFREY M. GABRYSIAK
Assistant Attorney General
State Bar #1005245

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-9619
Attorney for Plaintiff